

CLEA STATEMENT ON ANTI-RACIST LEGAL EDUCATION

Nearly a year has passed since historic events and protests, domestically and internationally, brought renewed attention to racial justice and the discriminatory and racist practices ever present in our social structures. The Black Lives Matter protests called attention to the unjust and disproportionate treatment of Black and Brown individuals by law enforcement and other institutions. More recently, violent attacks have roiled Asian communities, which have already been the targets of violence and hateful rhetoric since the COVID-19 pandemic began. And publicized incidents at various institutions of higher learning have demonstrated the failure of these institutions to protect students from racism, even within the walls of academia. As law schools and faculties reflect on how to advance racial justice and equality, the Clinical Legal Education Association (CLEA) calls upon law school administrations and faculties, including experiential faculty, to play an active role in reforming our institutions and transforming our communities to be anti-racist.

An anti-racist curriculum is essential to disrupting and undoing racism in all its forms. Experiential courses are a critical component of any effective anti-racist curriculum, as such courses often allow for individualized student engagement, via legal work in local and marginalized communities, in order to promote social change and access to justice.

But experiential faculty should not rest on traditional notions of clinical and externship pedagogy. We encourage experiential faculty to actively implement principles of anti-racist education into their teaching. As recent events have made clear, students from marginalized backgrounds have long been considered less qualified and competent than their peers by some faculty, including law faculty. Such treatment creates an inequitable and hostile educational environment that can impede students' ability to learn and succeed. As experiential faculty, we are particularly concerned with how racist and biased views from faculty members can negatively affect student performance in experiential courses. The elimination of biases and the perception of biases in grading and assessment is particularly important in experiential courses, which do not generally employ blind or anonymous grading. Experiential faculty must therefore create an intellectual environment that promotes a climate of equity and inclusivity for all students.

CLEA also encourages law schools to treat their experiential faculty equitably in terms of pay, job security, and status, as those faculty members are often disproportionately women and racial minorities. Inequalities between faculty members communicate to students, whether implicitly or explicitly, the relative value of those faculty. Moreover, even as women and racial minorities tend to be overrepresented in experiential faculties as compared to non-experiential faculties, law schools must do more to increase the diversity in their experiential faculties. As a recent essay by the CLEA Faculty Equity & Inclusion Committee demonstrates, the racial diversity of clinical faculty has remained stagnant in recent decades. The need for diverse faculties in experiential education is self-evident. Demographics matter, and any lack of diversity in experiential faculty negatively affects students, clients, and communities alike. CLEA has led efforts to diversify clinical and externship faculties and will continue that work in upcoming programming at the 2021 AALS Clinical

Conference, in materials developed with the AALS Clinical Section Policy Committee, and in legal scholarship. We look forward to continuing this work alongside our colleagues in the coming months and years through specific recommendations aimed at improving the dismal demographical data that our research has identified.

Law schools should take proactive steps to ensure that their faculty members work to eliminate biases and racism in their teaching and should support their students of color, who inevitably face disparate treatment and shoulder the burdens of responding to such incidents. They should also prioritize hiring faculty members that reflect the communities they serve in their experiential programs and treat those faculty members equitably. Despite the recent attention given to anti-racist initiatives, law schools have much work to do in their quest to develop a more equitable, just, and inclusive discipline and profession. CLEA looks forward to working with its members and other members of legal academia to further these goals.

This statement was drafted and approved by the CLEA Faculty Equity & Inclusion Committee and approved by the CLEA Board of Directors.